

Maureen H. Geary - SBN 143119
CALIFORNIA INDIAN LEGAL SERVICES
37 Old Courthouse Square, Suite 209
Santa Rosa, CA 95404
Tel: (707) 573-8016
Fax: (707) 573-3925

Michael S. Pfeffer - SBN 88068
Alex M. Cleghorn - SBN 231983
CALIFORNIA INDIAN LEGAL SERVICES
510-16th Street, Fourth Floor
Oakland, CA 94612
Tel: (510) 835-0284
Fax: (510) 835-8045

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROUND VALLEY INDIAN TRIBES) NO. C 04-02320 JSW
Plaintiff,)
vs.)
GARY MCKAY and CATHLEEN MCKAY) STIPULATED DISMISSAL
DOES 1 - 10)
Defendants.)

IT IS HEREBY STIPULATED by and between the parties to this action, through their designated counsel, and pursuant to the terms agreed to between the parties at the Settlement Conference held on October 4, 2005, before Magistrate Judge Nandor S. Vadas, that the above-captioned action be and hereby is dismissed pursuant to FRCP 41(a)(1). The terms as stipulated to in the Settlement Conference are as set forth below:

1. Plaintiff, Round Valley Indian Tribes, agrees to purchase and the defendants, Gary and Cathleen McKay, agree to sell the real property commonly known as the McKay Ranch, 93900 Mina Road, Covelo, California.
2. The sale price shall be determined as follows:
 - a. The plaintiff will retain an appraiser.
 - b. The defendants will retain an appraiser.

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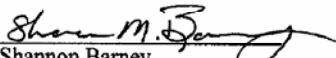
- 1 c. The two independent appraisers will choose a third appraiser.
- 2 d. In the event the two appraisers can not ascertain or determine a third appraiser,
- 3 plaintiff and defendants will each submit an additional appraiser's name to Magistrate Judge
- 4 Vadas and he will determine the final appraiser.
- 5 e. All appraisals will be completed by March 15, 2006. In the event any of the
- 6 three appraisers require additional time to complete the appraisal and the report, they may request
- 7 a 30 to 60-day extension.
- 8 f. If two methods of appraisal are used by an individual appraiser, that appraiser
- 9 will average the figures used from those two methods, and that averaged figure will be used as
- 10 the final appraisal amount.
- 11 g. The appraisals will include values for timber and water on the property.
- 12 h. All supplies, equipment, and personal property will be excluded from the
- 13 appraisal.
- 14 i. No tribal member or family member may serve as an appraiser.
- 15 j. The purchase price for the property will be the middle appraisal with a four
- 16 percent (4%) premium.
- 17 k. All money is due in escrow on April 15, 2006 and escrow will close on April
- 18 15, 2006.
- 19 3. Defendants will remove all supplies, equipment and personal property by April 15,
- 20 2006.
- 21 4. Plaintiff agrees to allow defendants an additional thirty (30) days, or May 15, 2006, to
- 22 remove any heavy equipment if inclement weather requires.
- 23 5. No fixtures shall be removed from the property. The McKays shall be entitled to
- 24 remove all ranch supplies, ranch equipment and personal property.
- 25 6. This Court shall retain jurisdiction to enforce the stipulated settlement agreement.
- 26 7. In the event there is a breach of the stipulated settlement agreement, the aggrieved
- 27 party may request attorney fees, sanctions and damages in addition to any other remedy available.
- 28 8. Plaintiff agrees to use best efforts to notify tribal members seeking access to their

1 traditional hunting and fishing areas, to telephone the defendants and request access to the
2 easement. Defendants shall use best efforts to comply with said requests.

3 All parties agree to be bound by this stipulated settlement agreement and all parties shall
4 bear their own costs and fees.

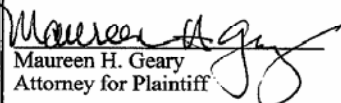
5 For Plaintiff:

6 DATED: ^{DECEMBER, 5} November __, 2005

7 
8 Shannon Barney
9 President, Round Valley Indian Tribes

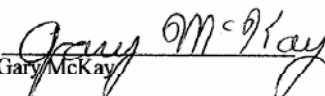
10 APPROVED AS TO FORM:

11 DATED: ^{December 5,} November __, 2005

12 
13 Maureen H. Geary
14 Attorney for Plaintiff

15 For Defendants:

16 DATED: November ¹⁷ __, 2005

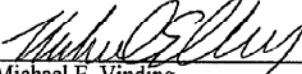
17
18 
19 Gary McKay

20 DATED: November ¹⁷ __, 2005

21 
22 Cathleen McKay

23
24 APPROVED AS TO FORM:

25 DATED: November ²⁴ __, 2005

26 
27 Michael E. Vinding
28 Attorney for Defendants

1 IT IS SO ORDERED.

2 Dated: December 8, 2005


Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE

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